

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:	)	In Proceedings
	)	Under Chapter 13
MARY OLIVIA ISRINGHAUSEN,	)	
	)	
Debtors,	)	
	)	BK 13-31560
MARY OLIVIA ISRINGHAUSEN,	)	
	)	
Plaintiffs,	)	
	)	ADV 13-
vs.	)	
	)	
COMMERCE MORTGAGE CORP.;	)	
PARTNERS FOR PAYMENT	)	
RELIEF DE II, LLC,	)	
	)	
Defendants.	)	

**COMPLAINT FOR DECLARATORY JUDGMENT AS TO VALUE OF  
REAL ESTATE AND DETERMING THE SECOND MORTGAGE UNSECURED**

COMES NOW the Plaintiff, Mary Olivia Isringhausen, by and through her attorneys, Law Offices of Mueller and Haller, L.L.C., and for her Complaint for Declaratory Judgment as to Value of Real Estate and Determining Second Mortgage Unsecured state as follows:

1. That on August 22, 2013, the Plaintiff filed for relief under Chapter 13 of the Bankruptcy Code.
2. That this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157(b)(1).
3. That this is a “core” proceeding under 28 U.S.C. § 157(b)(2)(A), (b)(2)(E) and (b)(2)(O).
4. That venue is proper in this Court pursuant to 28 U.S.C. § 1409.
5. That prior to the filing of the Plaintiff’s bankruptcy case, the Plaintiff provided counsel with a Comparative Market Analysis. Said market analysis was conducted by Shannon Broadbus-Cross on or about June 28, 2013. Said market analysis indicated the value of

the real estate located at 1 Bluff Drive, Belleville, Illinois was \$73,700.00.

6. That the Defendant, Commerce Mortgage Corp., held a first mortgage on the Plaintiff's real estate located at 1 Bluff Drive, Belleville, Illinois at the time of filing. The first mortgage was included on Schedule D of the Plaintiff's bankruptcy petition with a debt of \$80,518.71.
7. That the Defendant, Partners for Payment Relief DE II, LLC, held a second mortgage on the Plaintiff's real estate located at 1 Bluff Drive, Belleville, Illinois at the time of filing. The second mortgage was included on Schedule D of the Plaintiff's bankruptcy petition, incorrectly listed as DTA Solutions, LLC, with a debt of \$91,319.84.
8. That on August 22, 2013, the Plaintiff filed her original Chapter 13 plan, which provided for the first mortgage monthly payments of \$680.81 to be made by the Chapter 13 Trustee to the Defendant, Commerce Mortgage Corp., and for the arrearage of \$2,720.00 to be paid by the Chapter 13 Trustee. Further, said Plan provided for the second mortgage held by the Defendant, Partners for Payment Relief DE II, LLC, incorrectly named DTA Solutions, LLC to be avoided in its entirety.
9. That on October 21, 2013, the Defendant, Partners for Payment Relief DE II, LLC, filed Proof of Claim #6-1. Said Claim was filed in the amount of \$151,251.92.
10. That on October 21, 2013, the Defendant, Commerce Mortgage Corp., filed Proof of Claim #7-1. Said Claim was filed in the amount of \$85,321.33.
11. That on October 9, 2013, the Plaintiff filed a Motion to Deviate from Standard Plan in order to modify the plan to deal with the avoidance of the lien held by the Defendant, Partners for Payment Relief DE II, LLC.

12. That on November 13, 2013, the Court granted the Plaintiff's Motion to Deviate from Standard Plan in Court.
13. That on December 12, 2013, the Debtor filed her modified First Amended Chapter 13 Plan. Said Amended Plan, which provided for the first mortgage monthly payments of \$646.86 to be made by the Chapter 13 Trustee to the Defendant, Commerce Mortgage Corp., and for the arrearage of \$6,146.71 to be paid by the Chapter 13 Trustee. Further, said Plan provided for the second mortgage held by the Defendant, Partners for Payment Relief DE II, LLC, to be stripped off.
14. That there is no value to attach to the second mortgage on the property located at 1 Bluff Drive, Belleville, Illinois held by the Defendant, Partners for Payment Relief DE II, LLC.
15. That the Plaintiff requests the Court determine the value of the real estate located at 1 Bluff Drive, Belleville, Illinois.
16. That the Plaintiff requests the Court determine the amount of the first mortgage held by the Defendant, Commerce Mortgage Corp.
17. That Plaintiff requests the Court determine the second mortgage held by the Defendant, Partners for Payment Relief DE II, LLC, is completely unsecured.

WHEREFORE, the Plaintiff prays this Honorable Court enter an Order determining the value of the real estate located at 1 Bluff Drive, Belleville, Illinois, determining the second mortgage is completely unsecured and is to be paid as a general unsecured debt according to the terms of the Plaintiff's Chapter 13 Plan, that the Defendant, Partners for Payment Relief DE II, LLC, shall within thirty (30) days of the date of discharge file its release of lien with all appropriate parties, and for such other relief as the Court deems just and proper.

MARY OLIVIA ISRINGHAUSEN,

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